

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE
April 18, 2005 7:30Pm

In attendance were Supervisors Chairman Kenton S. Stokes, Vice Chairman L. Charles Scipione and Carol De Wolf, Police Commissioner; Township Manager Robert Layman; Westtown-East Goshen Police Chief John M. Dumond; Township Solicitor Robert F. Adams and Planning Commission Member Mark Purcell. There were seven guests in attendance.

I Call to Order.

Chairman Stokes called the meeting to order and led those present in the pledge of allegiance.

II. Approval of Minutes (Regular Meeting April 4, 2005).

On the motion of Mr. Scipione, seconded by Ms. De Wolf the Board of Supervisors unanimously approved the minutes of the April 4, 2005 regular meeting as presented.

III. Departmental Reports.

A. Westtown-East Goshen Police – Chief John M. Dumond.

Chief Dumond presented the March Police Report. He reported on a robbery which occurred this morning at the WaWa at Routes 3 and 352. He also stressed that residents should not leave anything in their vehicles overnight and to make sure the vehicles are locked. There have been a number of thefts from cars in the Woodland Road, Overhill Road and Martone Road area. Chief Dumond reported that he received notification from the US Attorney General's Office that the suspects arrested by Detective Balchunis for a robbery at the Dilworthtown Plaza, and robberies in Delaware have been sentenced to seventeen years in prison. He also reported on an accident at Route 926 and S. Concord where a car had overturned. He stated that no one was injured and that speed was not the cause of the accident.

B. Township Solicitor – Robert F. Adams.

1. Approval of Final Plan Documentation for Tract 2003-10 Arborview (Orvis).

In attendance for Tag Builders was Thomas Galbally.

Mr. Adams stated that he has reviewed the Developers Agreement, and two Letters of Credit. Everything is in order for execution this evening. He stated per the solicitor for Tag Builders, the Declaration for the Security of the parallel road has been executed and recorded. Mr. Adams stated he reviewed a \$50,000 Letter of Credit pertaining to the rezoning of the southeast portion of the tract and a \$1,712,000.00 Letter of Credit for all site improvements. The escrow was reviewed by Chris DellaPenna, Acting Township Engineer for the Orvis Tract. As Rob Pingar, from McCormick Taylor, will be doing the site inspections he would like to review the escrow amount. Mr. Adams said he does not feel Mr. Pingar's review of the escrow should delay execution of the documents this evening.

Dr. Stokes asked about the pump station for the project. Mr. Galbally said the pump station was not included in the final plan approval process as it has to be approved by DEP as part of the Act 537. Mr. Galbally stated that he delivered the pump station plans to DEP on Friday and it will take approximately six weeks for approval. Ms. De Wolf asked why this was not included in final plan approval. Mr. Adams stated that because of the length of time it would take for DEP to approve the pump station the Board of Supervisors agreed to give final plan approval at the January 18, 2005 so that the project could move forward. He also stated that all the DEP permits have been issued except for

the pump station design. Mr. Galbally said the collection system and the pump station have been reviewed by URS. Ms. De Wolf said she has concerns because Mr. Pingar has not seen the collection system or pump station plan. Mr. Adams said DEP gives final approval not our engineer. Mr. Galbally said the permit application for the pump station which was submitted to DEP on Friday was signed by Mr. Layman. Mr. Layman asked if the \$1,712,000 includes the pump station. Mr. Galbally responded "no" as the final plan for the pump station has not been approved. Dr. Stokes asked how the Township can financially protect itself and move the project forward. Mr. Adams said the Township has a letter of credit for 1.7 million and could hold all escrow releases until the pump station is approved. Ms. De Wolf asked for clarification of what the Board of Supervisors is approving this evening. Mr. Adams said the final approval of the Letters of Credit will have to include a determination of the adequacy of the security. The cost of the sanitary sewer lines is included in the 1.7 million. The pump station will be priced by URS not the Township Engineer. Mr. Adams stated that the Township is not at risk with the 1.7 million Letter of Credit to permit the developer to commence the site work on the project. The Township can decide, if it wishes, not to issue any building permits until the security is in place for the pump station. Mr. Galbally said they were granted final plan approval two months ago without the final design of the pump station and he would like to be able to begin the improvements on the site. Ms. De Wolf said she still has some confusion about the design of the sewer collection system. Mr. Purcell advised Ms. De Wolf that Mr. DellaPenna, reviewed the development plans, which included the sanitary collection system, throughout the whole planning process. Mr. Adams stated that the Board of Supervisors granted final plan approval with the following conditions which have been satisfied by the developer: compliance with the Planning Commission letter of 1/12/2005, review of the Homeowner Association documents, parallel road issues, all DEP permits excluding the pump station, a gravity sewer system, and issuance of earth disturbance permits.

Mr. Scipione made a motion, seconded by Ms. De Wolf, to approve execution of the Developers Agreement, and the Letters of Credit conditioned on review of the escrow by McCormick Taylor and the escrow to be increased if determined necessary its review. A supplemental escrow will be required for the pump station when it is approved by DEP. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the execution of the documents.

Mr. Galbally asked about the status of his sign permit. Dr. Stokes stated that the permit needs to be reviewed by our traffic engineer for site visibility. Ms. De Wolf asked that Ms. Adler also review the permit. Mr. Layman will follow up on this issue.

C. Planning Commission – Jeff House.

Mr. Purcell stated that the April 4th meeting was canceled. At this week's meeting the Commission will continue review of the proposed zoning changes in the AC district, review the Westtown School Athletic building revised plan, and the McCawley/Fountains plan.

D. Financial Report – Robert Layman.

Mr. Layman reviewed the March Financial report. He stated at this time the financial report is good due to tax collection, additional rent payments from the Police Department, and an increase in collection of engineering fees.

IV. Public Comment-Non Agenda Items.

Ed McConnell, 1056 Westwood Drive, reported a stormwater problem. The property behind him has a catch basin which over the years has become overgrown. When the property at 1036 Goodwin Lane was developed, it changed the contour of the ground, creating a water runoff onto his and neighboring properties. He spoke to Mr. Layman a year ago and gave him pictures of the erosion on his property. He asked who is responsible for the catch basin. Mr. Layman said he had looked at the development plans and did not see a catch basin on the plans. Dr. Stokes asked if this might be a swale not a catch basin. Mr. Layman was directed to research this issue.

Jeff Watkin, 1003 Ashley Road, asked for an update on his drainage problem. Mr. Layman said the Township engineer is working on a design to take the water runoff to the stream on Mr. Watkin's property. He also stated that he has determined that some of the drainage is coming from the School property. Mr. Adams said there is a designated swale on the approved Plumly plan but there should be an easement agreement with Mr. Watkin.

Robert Ferguson, 916 Hunt Drive, asked if Mr. Layman had determined if there is additional funding for road improvements on Shiloh Road. Mr. Layman stated that in speaking with Mr. Adams, the work being done on Shiloh Road at the present time is the School Districts obligation for the project and not included in the \$380,000 in the Agreement. Mr. Adams said he is reviewing the Agreement to determine if the Township has a right to receive the \$380,000 from the School District for additional improvements at this time.

V. Old Business:

There was no old business at this time

VI. New Business:

A. Approve Escrow Release No. 8 SS. Simon & Jude in The Amount of \$8,680.50.

Mr. Layman stated that the escrow has been reviewed by Mr. Capuzzi and is in order for approval this evening.

Mr. Scipione, made a motion, seconded by Ms. De Wolf, to approve escrow release No. 8 for SS. Simon and Jude in the amount of \$8,680.50. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors approved the escrow release.

B. Acceptance of Plan Review Extension Tract 2000-8 Fountains/Jefferson Center.

Mr. Scipione made a motion, seconded by Ms. De Wolf, to accept the extension of plan review for Tract 2000-8 Fountains/Jefferson Center until May 16, 2005. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the extension.

C. Approve Change Orders Police Station PL.03, GC 37.01, GC 38.01.

Mr. Scipione reviewed the Change Orders. He asked Chief Dumond if the request for a finished countertop came from the Police Department or the architect. Mr. Scipione said this item was shown differently on the mechanical drawings. Chief Dumond said this could be discussed at this weeks Commissioners meeting. Mr. Scipione requested that change order GC 37.01 be tabled.

Mr. Scipione made a motion, seconded by Ms. De Wolf, to approve change orders PL. 03 and GC. 38.01. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the change orders.

D. Approve Payment Requests Westtown-East Goshen Police Station MCA \$63,426.13 Keares Electric \$94,990.50, Cook's Service Company \$40,284.75, and G. Bass \$12,057.40.

Mr. Scipione stated he had reviewed the payment requests with the architect and they can be approved for payment.

Mr. Scipione made a motion, seconded by Ms. De Wolf, to approve the following payment requests: MCA \$63,426.13, Keares Electric \$94,990.50, Cook's Service Company \$40,284.75, and G. Bass \$12,057.40. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the payments.

E. Approve Change Order No. 8 Lechmanik Oakbourne Park Phase I.

Dr. Stokes stated this change order is related to a stormwater issue. Ms. De Wolf said the Township is responsible to pay Lechmanik \$640.62.

Ms. De Wolf made a motion, seconded by Mr. Scipione, to approve change order No. 8 Lechmanik Oakbourne Park Phase I. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the change order.

VII. Public Comment (all topics)

Walter Pavelchek, 1050 S. New Street, asked that the Township consider adjustments in off street parking in developments as most families have more than two cars. He stated people are parking on the streets making it difficult for cars to pass. Mr. Layman said the streets can be posted for no parking.

VIII. Payment of Bills.

On the motion of Ms. De Wolf, seconded by Mr. Scipione, the Board of Supervisors unanimously approved payment of the bills as presented.

IX. Adjournment.

On the motion of Ms. De Wolf, seconded by Mr. Scipione, the meeting was unanimously adjourned.

Respectfully Submitted,
Robert Layman
Township Manager